

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JHEN SCUTELLA,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 09-82 Erie
)	
D.M. CHAMBERLAIN, et al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

Plaintiff's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 was received by the Clerk of Court on June 24, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (ECF No. 25), filed on November 4, 2011, recommended that the Petitioner's Petition for Writ of Habeas Corpus be dismissed and that a certificate of appealability be denied. The parties were given until November 21, 2011 to file written objections. No objections have been filed.

Rule 72 of the Federal Rules of Civil Procedure provides, in pertinent part, "the district court may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b). After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, we adopt Magistrate Judge Baxter's Report and Recommendation as the Opinion of the Court.

AND NOW, this 22nd day of February, 2012, it is HEREBY ORDERED, ADJUDGED AND DECREED that said report and recommendation is adopted as the Opinion of the Court.

It is further hereby ORDERED, ADJUDGED AND DECREED that Petitioner's Petition for Writ of Habeas Corpus (ECF No. 9) is DISMISSED and a certificate of appealability is DENIED.

The Clerk of Court shall mark this case CLOSED.


Maurice B. Cohill, Jr.
Senior District Court Judge